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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/718,089	Applicant(s) GOPALAN ET AL.	
	Examiner BARBARA N. BURGESS	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment filed January 18, 2008. Claims 1-23 are presented for further examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 16-22 of the claimed invention are directed to non-statutory subject matter. These claims are drawn to a program with instruction. A program is non-statutory. On page 33 of the specification, Applicant has provided evidence that Applicant intends the medium to include signals, as such the claims are drawn to a form of energy. Energy is not one of the four categories of invention and therefore these claims are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 4-6, 8-10, 12-14, 16-17, 19-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (hereinafter "Freivald", US Patent 6,219,818 B1) in view of Mitchell (US Patent 6,701,350 B1) and in further view of Warner et al. (hereinafter "Warner", US Patent Publication 2003/0233372 A1).

As per claim 1, Freivald discloses a method in a data processing system for marking a Web page, the method comprising:

- receiving a user input to mark a portion of the Web page displayed in the data processing system to form a marked portion (column 4, lines 33-36, column 7, lines 9-12, column 8, lines 6-17, Freivald teaches the user selecting (mark) portions of a Web page by highlighting a text);
- wherein a subsequent presentation of the Web page results in a presentation of the Web page with the marked portion (column 2, lines 50-52, column 3, lines 6-10, column 6, lines 30-32, column 11, lines 11-14, column 12, lines 65-67, column 13, lines 26-29, Freivald teaches sending the user the changed Web page or document with selected portions included to view the changes. Freivald further teaches the changed portions previously selected by the user are highlighted and sent to the user for presentation).

Freivald does not explicitly disclose:

- storing an identifier of the marked portion in a local data structure in the data processing system.

However, in an analogous art, Mitchell teaches an editor tool and filter database that maintains the URL associated with the selected portion of the web page. The filter database is stored on the filtering proxy that is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's storing an identifier of the marked portion in a local data structure in the data processing system in Freivald's method in order to generate filtered URL data and apply filtering associated with the URL is so any identified section is not displayed on the Web page (Mitchell, column 3, lines 50-52, column 4, lines 15-16).

Freivald, in view of Mitchell, does not explicitly disclose:

- jumping to the marked portion of the Web page in response to an input from the user.

However, the use and advantages of jumping to the marked portion is well-known to one of ordinary skill in the art as evidenced by Warner (paragraphs [0140, 0145, 0158, 0162]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Warner's jumping to the marked portion in the data processing system in Freivald's method in order to view tasks associated with the web page portion.

As per claim 2, Freivald does not explicitly disclose the method of claim 1, wherein the Web page is a first Web page and further comprising:

- responsive to receiving a second Web page, determining whether an entry corresponding to the second Web page is present in the local data structure;
- responsive to the entry being present, presenting the second Web page with at least one marked portion using the entry in the local data structure.

However, in an analogous art, Mitchell teaches associated web pages of a particular URL are filtered for the specified unwanted portion. The unwanted portion is marked by the user so that it is deleted in subsequent viewing of the web page or associated web pages. For example, Mitchell teaches a specific URL such as www.hello.com being requested by the user for filtering. Other related URLs associated such as www.hello.com/users.html or www.hello.com/index.html are also stored and filtered for the unwanted portion. This teaches receiving a second web page that is present in the local data structure. Since the marked portion is removed and not seen in subsequent viewing of the web page and its associated web pages, the presentation of the associated web pages are presented with the marked portion stored in the local data structure because the marked portion is the deleted or unwanted portion specified by the user (column 4, lines 30-45).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's Web page is part of a Web site and wherein the web site is defined in a Web page index table data structure

having records for each Web page of the Web site, and each Web page of the Web site is defined in a Web page table data structure having records identifying tags that identify portions of associated Web pages in Freivald's method in order that filters can be applied to one or more related URLs (Mitchell, column 4, lines 39-40).

As per claim 4, Freivald discloses the method of claim 2 wherein the presenting step comprises:

displaying only the marked portion (column 12 lines 65-67, Freivald teaches sending changed data highlighted in the document. Unchanged or unselected portions of the document can be deleted).

As per claim 5, Freivald does not explicitly disclose the method of claim 1, wherein the local data structure is a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter database (table) is stored on the filtering proxy that is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's local data structure is a table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

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As per claim 6, Freivald discloses the method of claim 3, wherein each entry includes a universal resource identifier, an anchor tag, and anchor tag details (column 7, lines 11-14, 43-46, column 10, lines 35-45, column 11, lines 27-32, Freivald teaches using HTML tags to define sections of portions selected by the user. Freivald further teaches storing a CRC (identifier of marked portion), URL (identifier of marked portion) identifying the selected portion of the Web page. A CRC (identifier of marked portion) is generated for the selected text and stored in the database with the associated URL).

Freivald does not explicitly disclose a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter database (table) is stored on the filtering proxy that is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

As per claim 8, Freivald discloses the method of claim 1, wherein the receiving step is performed by at least one of Web browser and a plug-in to the Web browser (column 5, lines 63-67, column 6, lines 3-5, Freivald teaches the user operating a browser application in order to request a webpage and highlight portions of text).

Freivald does not explicitly disclose the storing step (storing an identifier of the marked portion in a local data structure) performed by at least one of Web browser and a plug-in to the Web browser.

However, in an analogous art, Mitchell teaches source document prepared in a text markup language, such as HTML, XML, Java, Javascript, TCL, Visual Basic, ActiveX, and other programming or markup languages usable within or in conjunction with Web browsers. A user may submit a URL request through the Web browser. When the Web browser submits a URL request, any filter scripts in the filter database that match the URL is applied to the Webpage (column 2, lines 57-63, column 4, lines 1-3, 6, 11-15).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's storing step performed by at least one of Web browser and a plug-in to the Web browser enabling a filtered Webpage to be displayed that is associated with the requested URL (Mitchell, column 4, lines 15-17).

As per claim 9, Freivald discloses a data processing system in a data processing system for marking a Web page, the data processing system comprising:

- receiving means for receiving a user input to mark a portion of the Web page displayed in the data processing system to form a marked portion (column 4, lines 33-36, column 7, lines 9-12, column 8, lines 6-17, Freivald teaches the user selecting (mark) portions of a Web page by highlighting a text);

- wherein a subsequent presentation of the Web page results in a presentation of the Web page with the marked portion (column 2, lines 50-52, column 3, lines 6-10, column 6, lines 30-32, column 11, lines 11-14, column 12, lines 65-67, column 13, lines 26-29, Freivald teaches sending the user the changed Web page or document with selected portions included to view the changes. Freivald further teaches the changed portions previously selected by the user are highlighted and sent to the user for presentation).

Freivald does not explicitly disclose:

- storing means for storing an identifier of the marked portion in a local data structure in the data processing system.

However, in an analogous art, Mitchell teaches an editor tool and filter database that maintains the URL associated with the selected portion of the web page. The filter database is stored on the filtering proxy that is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's storing an identifier of the marked portion in a local data structure in the data processing system in Freivald's method in order to generate filtered URL data and apply filtering associated with the URL is so any identified section is not displayed on the Web page (Mitchell, column 3, lines 50-52, column 4, lines 15-16).

Freivald, in view of Mitchell, does not explicitly disclose:

- jumping to the marked portion of the Web page in response to an input from the user.

However, the use and advantages of jumping to the marked portion is well-known to one of ordinary skill in the art as evidenced by Warner (paragraphs [0140, 0145, 0158, 0162]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Warner's jumping to the marked portion in the data processing system in Freivald's method in order to view tasks associated with the web page portion.

As per claim 10, Freivald does not explicitly discloses the data processing system of claim 9, wherein the Web page is a first Web page and further comprising:

- determining means, responsive to receiving a second Web page, for determining whether an entry corresponding to the second Web page is present in the local data structure;
- presenting means, responsive to the entry being present, for presenting the second Web page with at least one marked portion using the entry in the local data structure.

However, in an analogous art, Mitchell teaches associated web pages of a particular URL are filtered for the specified unwanted portion. The unwanted portion is marked by

the user so that it is deleted in subsequent viewing of the web page or associated web pages. For example, Mitchell teaches a specific URL such as www.hello.com being requested by the user for filtering. Other related URLs associated such as www.hello.com/users.html or www.hello.com/index.html are also stored and filtered for the unwanted portion. This teaches receiving a second web page that is present in the local data structure. Since the marked portion is removed and not seen in subsequent viewing of the web page and its associated web pages, the presentation of the associated web pages are presented with the marked portion stored in the local data structure because the marked portion is the deleted or unwanted portion specified by the user (column 4, lines 30-45).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's Web page is part of a Web site and wherein the web site is defined in a Web page index table data structure having records for each Web page of the Web site, and each Web page of the Web site is defined in a Web page table data structure having records identifying tags that identify portions of associated Web pages in Freivald's method in order that filters can be applied to one or more related URLs (Mitchell, column 4, lines 39-40).

As per claim 12, Freivald discloses the data processing system of claim 10, wherein the presenting means comprises:

displaying means for displaying only the marked portion (column 12 lines 65-67, Freivald teaches sending changed data highlighted in the document. Unchanged or unselected portions of the document can be deleted).

As per claim 13, Freivald does not explicitly disclose the data processing system of claim 9, wherein the local data structure is a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter database (table) is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's local data structure is a table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

As per claim 14, Freivald discloses the data processing system of claim 11 wherein each entry includes a universal resource identifier, an anchor tag, and anchor tag details (column 7, lines 11-14, 43-46, column 10, lines 35-45, column 11, lines 27-32, Freivald teaches using HTML tags to define sections of portions selected by the user. Freivald further teaches storing a CRC (identifier of marked portion), URL (identifier of marked portion) identifying the selected portion of the Web page. A CRC (identifier of marked portion) is generated for the selected text and stored in the database with the associated URL).

Freivald does not explicitly disclose a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter database (table) is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

. As per claim 16, Freivald discloses a computer program product in a computer readable medium for marking a Web page, the computer program product comprising:

- first instructions for receiving a user input to mark a portion of the Web page displayed in the data processing system to form a marked portion (column 4, lines 33-36, column 7, lines 9-12, column 8, lines 6-17, Freivald teaches the user selecting (mark) portions of a Web page by highlighting a text);
- wherein a subsequent presentation of the Web page results in a presentation of the Web page with the marked portion (column 2, lines 50-52, column 3, lines 6-10, column 6, lines 30-32, column 11, lines 11-14, column 12, lines 65-67, column 13, lines 26-29, Freivald teaches sending the user the changed Web page or document with selected portions included to view the changes. Freivald further teaches the

changed portions previously selected by the user are highlighted and sent to the user for presentation).

Freivald does not explicitly disclose:

- second instructions for storing an identifier of the marked portion in a local data structure in the data processing system.

However, in an analogous art, Mitchell teaches an editor tool and filter database that maintains the URL associated with the selected portion of the web page. The filter database is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's storing an identifier of the marked portion in a local data structure in the data processing system in Freivald's method in order to generate filtered URL data and apply filtering associated with the URL is so any identified section is not displayed on the Web page (Mitchell, column 3, lines 50-52, column 4, lines 15-16).

Freivald, in view of Mitchell, does not explicitly disclose:

- jumping to the marked portion of the Web page in response to an input from the user.

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However, the use and advantages of jumping to the marked portion is well-known to one of ordinary skill in the art as evidenced by Warner (paragraphs [0140, 0145, 0158, 0162]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Warner's jumping to the marked portion in the data processing system in Freivald's method in order to view tasks associated with the web page portion.

As per claim 17, Freivald does not explicitly disclose the computer program product of claim 16, wherein the Web page is a first Web page and further comprising:

- third instructions, responsive to receiving a second Web page, for determining whether an entry corresponding to the second Web page is present in the local data structure;
- fourth instructions, responsive to the entry being present, for presenting the second Web page with at least one marked portion using the entry in the local data structure.

However, in an analogous art, Mitchell teaches associated web pages of a particular URL are filtered for the specified unwanted portion. The unwanted portion is marked by the user so that it is deleted in subsequent viewing of the web page or associated web pages. For example, Mitchell teaches a specific URL such as www.hello.com being

requested by the user for filtering. Other related URLs associated such as www.hello.com/users.html or www.hello.com/index.html are also stored and filtered for the unwanted portion. This teaches receiving a second web page that is present in the local data structure. Since the marked portion is removed and not seen in subsequent viewing of the web page and its associated web pages, the presentation of the associated web pages are presented with the marked portion stored in the local data structure because the marked portion is the deleted or unwanted portion specified by the user (column 4, lines 30-45).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's Web page is part of a Web site and wherein the web site is defined in a Web page index table data structure having records for each Web page of the Web site, and each Web page of the Web site is defined in a Web page table data structure having records identifying tags that identify portions of associated Web pages in Freivald's method in order that filters can be applied to one or more related URLs (Mitchell, column 4, lines 39-40).

As per claim 19, Freivald discloses the computer program product of claim 17, wherein the fourth instructions comprises:

sub-instructions for displaying only the marked portion (column 12 lines 65-67, Freivald teaches sending changed data highlighted in the document. Unchanged or unselected portions of the document can be deleted).

As per claim 20, Freivald does not explicitly disclose the computer program product of claim 16, wherein the local data structure is a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter database (table) is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's local data structure is a table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

As per claim 21, Freivald discloses the computer program product of claim 18, wherein each entry includes a universal resource identifier, an anchor tag, and anchor tag details column 7, lines 11-14, 43-46, column 10, lines 35-45, column 11, lines 27-32, Freivald teaches using HTML tags to define sections of portions selected by the user. Freivald further teaches storing a CRC (identifier of marked portion), URL (identifier of marked portion) identifying the selected portion of the Web page. A CRC (identifier of marked portion) is generated for the selected text and stored in the database with the associated URL).

Freivald does not explicitly disclose a table.

However, in an analogous art, Mitchell teaches an editor tool and filter database (table) that maintains the URL associated with the selected portion of the web page. The filter

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database (table) is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's table in Freivald's method in order to store filters and URL's (Mitchell, column 4, lines 1-3).

As per claim 23, Freivald discloses a data processing system comprising:

- a bus system (column 5, lines 65-67, column 6, lines 1-5);
- a memory connected to the bus system, wherein the memory includes a set of instructions (column 6, lines 55-67);
- a processing unit connected to the bus system, wherein the processing unit executes a set of instructions to receive a user input to mark a portion of the Web page displayed in the data processing system to form a marked portion (column 4, lines 33-36, column 7, lines 9-12, column 8, lines 6-17, Freivald teaches the user selecting (mark) portions of a Web page by highlighting a text);
- wherein a subsequent presentation of the Web page results in a presentation of the Web page with the marked portion (column 2, lines 50-52, column 3, lines 6-10, column 6, lines 30-32, column 11, lines 11-14, column 12, lines 65-67, column 13, lines 26-29, Freivald teaches sending the user the changed Web page or document with selected portions included to view the changes. Freivald further teaches the

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changed portions previously selected by the user are highlighted and sent to the user for presentation).

Freivald does not explicitly disclose:

- storing an identifier of the marked portion in a local data structure in the data processing system.

However, in an analogous art, Mitchell teaches an editor tool and filter database that maintains the URL associated with the selected portion of the web page. The filter database is stored on the filtering proxy which is situated in the user's local computer (column 3, lines 48-51, column 4, lines 1-3, 8-9).

Therefore one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mitchell's storing an identifier of the marked portion in a local data structure in the data processing system in Freivald's method in order to generate filtered URL data and apply filtering associated with the URL is so any identified section is not displayed on the Web page (Mitchell, column 3, lines 50-52, column 4, lines 15-16).

Freivald, in view of Mitchell, does not explicitly disclose:

- jumping to the marked portion of the Web page in response to an input from the user.

However, the use and advantages of jumping to the marked portion is well-known to one of ordinary skill in the art as evidenced by Warner (paragraphs [0140, 0145, 0158, 0162]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Warner's jumping to the marked portion in the data processing system in Freivald's method in order to view tasks associated with the web page portion.

5. Claims 3, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (hereinafter "Freivald", US Patent 6,219,818 B1) in view of Mitchell (US Patent 6,701,350 B1) in further view of Warner et al. (hereinafter "Warner", US Patent Publication 2003/0233372 A1) and in further view of Beran et al. (hereinafter "Beran", US Patent 6,961,895 B1).

As per claim 3, Freivald, in view of Mitchell and Warner, does not explicitly disclose the method of claim 2, wherein the presenting step comprises:

- using speech synthesis to read the marked portion.

However, in an analogous art, Beran teaches a human narrator reading a selected section of text to form an audio data portion for the selected text (column 2, lines 32-36, column 3, lines 1-10, column 6, lines 1-8).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Beran's speech synthesis to read the marked portion in Freivald's method in order to produce talking books for blind and dyslexic users (Beran, column 1, lines 64-67, column 6, lines 57-60).

As per claim 11, Freivald, in view of Mitchell and Warner, does not explicitly disclose the data processing system of claim 10, wherein the presenting means comprises:

- using means for using speech synthesis to read the marked portion.

However, in an analogous art, Beran teaches a human narrator reading a selected section of text to form an audio data portion for the selected text (column 2, lines 32-36, column 3, lines 1-10, column 6, lines 1-8).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Beran's speech synthesis to read the marked portion in Freivald's system in order to produce talking books for blind and dyslexic users (Beran, column 1, lines 64-67, column 6, lines 57-60).

As per claim 18, Freivald, in view of Mitch, does not explicitly disclose the computer program product of claim 17, wherein the fourth instructions comprises:

- second sub-instructions for using speech synthesis to read the marked portion.

However, in an analogous art, Beran teaches a human narrator reading a selected section of text to form an audio data portion for the selected text (column 2, lines 32-36, column 3, lines 1-10, column 6, lines 1-8).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Beran's speech synthesis to read the marked portion in Freivald's computer program product in order to produce talking books for blind and dyslexic users (Beran, column 1, lines 64-67, column 6, lines 57-60).

6. Claims 7, 15, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (hereinafter "Freivald", US Patent 6,219,818 B1) in view of Mitchell (US Patent 6,701,350 B1) in further view of Warner et al. (hereinafter "Warner", US Patent Publication 2003/0233372 A1) and in further view of Barger et al. (hereinafter "Barger", US Patent Publication 2006/0080598 A1).

As per claim 7, Freivald, in view of Mitchell and Warner, does not explicitly disclose the method of claim 1, wherein the marked portion is marked using at least one of a different text color, and a different text size.

However, in an analogous art, Barger teaches indicating highlighted portions of text in a variety of ways such as changing the color or font of the highlighted text (paragraph [0020]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Barger's marked portion is marked using at least one of a different text color, and a different text size in Freivald's method in order to identify the frequency of the highlighted text (Barger, paragraphs [0026-0027]).

As per claim 15, Freivald, in view of Mitchell and Warner, does not explicitly disclose the data processing system of claim 9, wherein the marked portion is marked using at least one of a different text color, and a different text size.

However, in an analogous art, Barger teaches indicating highlighted portions of text in a variety of ways such as changing the color or font of the highlighted text (paragraph [0020]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Barger's marked portion is marked using at least one of a different text color, and a different text size in Freivald's system in order to identify the frequency of the highlighted text (Barger, paragraphs [0026-0027]).

As per claim 22, Freivald, in view of Mitchell and Warner, does not explicitly disclose the computer program product of claim 16, wherein the marked portion is marked using at least one of a different text color, and a different text size.

However, in an analogous art, Bargeron teaches indicating highlighted portions of text in a variety of ways such as changing the color or font of the highlighted text (paragraph [0020]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Bargeron's marked portion is marked using at least one of a different text color, and a different text size in Freivald's computer program product in order to identify the frequency of the highlighted text (Bargeron, paragraphs [0026-0027]).

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2157

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/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157